



Paper No. 4

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OFFICE OF PETITIONS

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In re Application of
Jorasch, et al.
Application No. 10/090,795
Filed: March 5, 2002
Attorney Docket No. 02-004
FOR: METHOD AND APPARATUS FOR
MONITORING TELEPHONE STATUS

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:
: DECISION GRANTING
: PETITION
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This is a decision on the petition entitled, "PETITION TO REQUEST ACCEPTANCE OF FILING DATE," filed March 26, 2002 (certificate of mailing date March 21, 2002), requesting that the above-identified application be accorded a filing date of March 5, 2002 instead of the presently accorded date of March 6, 2002.

Petitioners allege that the application was deposited in "Express Mail" service with the U. S. Postal Service (USPS), on March 5, 2002. In support, petitioners provided a copy of the itemized return receipt postcard submitted with the original filing that lists Express Mail label no. EV013984440US and a mail date of March 5, 2002 thereon. The postcard contains an Office of Initial Patent Examination generated barcode with a date stamp of March 6, 2002 affixed thereto. This is *prima facie* evidence that the application was filed on March 6, 2002. MPEP 503.

Although petitioners have not provided a copy of the Express Mail label in question, petitioners have submitted a printout of the USPS Shipping Center Track and Confirm information for the package associated with EV013984440US. The USPS printout states that the package was delivered to the Office on March 6, 2002. Petitioners request that the application be accorded a filing date of March 5, 2002.

While petitioners' evidence supports the accordation of a March 6, 2002 filing date to the instant application, an independent search of the USPS Shipping Center Track and Confirm web site reveals that the application was en route on March 5, 2002 at 6:57 pm in Stamford, CT. This is convincing evidence that the application was deposited as "Express Mail" with the US Postal Service on March 5, 2002.

The petition is granted.

As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 5, 2002.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy